

ORRICK, HERRINGTON & SUTCLIFFE LLP
KAREN G. JOHNSON-MCKEWAN (SBN 121570)

kjohnson-mckewan@orrick.com
ANNETTE L. HURST (SBN 148738)

ahurst@orrick.com
GABRIEL M. RAMSEY (SBN 209218)

gramsey@orrick.com
405 Howard Street, San Francisco, CA 94105

Tel: 1.415.773.5700 / Fax: 1.415.773.5759
PETER A. BICKS (*pro hac vice*)

pbicks@orrick.com
LISA T. SIMPSON (*pro hac vice*)

lsimpson@orrick.com
51 West 52nd Street, New York, NY 10019

Tel: 1.212.506.5000 / Fax: 1.212.506.5151

BOIES, SCHILLER & FLEXNER LLP

DAVID BOIES (*pro hac vice*)

dboies@bsfllp.com

333 Main Street, Armonk, NY 10504

Tel: 1.914.749.8200 / Fax: 1.914.749.8300

STEVEN C. HOLTZMAN (SBN 144177)

sholtzman@bsfllp.com

1999 Harrison St., Ste. 900, Oakland, CA 94612

Tel: 1.510.874.1000 / Fax: 1.510.874.1460

ORACLE CORPORATION

DORIAN DALEY (SBN 129049)

dorian.daley@oracle.com

DEBORAH K. MILLER (SBN 95527)

deborah.miller@oracle.com

MATTHEW M. SARBORARIA (SBN 211600)

matthew.sarboraria@oracle.com

RUCHIKA AGRAWAL (SBN 246058)

ruchika.agrawal@oracle.com

500 Oracle Parkway,

Redwood City, CA 94065

Tel: 650.506.5200 / Fax: 650.506.7117

Attorneys for Plaintiff

ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE'S MOTION FOR PARTIAL
RECONSIDERATION OF THE MARCH
30, 2017 ORDER RE SEALING MOTIONS**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

NOTICE OF MOTION AND MOTION

On March 30, 2017, this Court issued an order resolving numerous sealing motions and requiring any motion for reconsideration to be filed on or before April 13, 2017. ECF No. 2076. Oracle now moves for reconsideration on two very limited bases.

1) Mr. Malackowski's Corrected February 29, 2016 Expert Report

Sealing Motion	Supporting Declaration	Sealed Document	Information Sought To Be Sealed
1560	1577	1560-13	2014-2015 data from Exhibits 12, 12.1, 12.2, 12.4, 12.6, and 12.9

Oracle seeks to seal the 2014-2015 data from Exhibits 12, 12.1, 12.2, 12.4, 12.6, and 12.9 to Mr. Malackowski's Corrected February 29, 2016 Expert Report (ECF No. 1560-13). The Court already sealed this same data from the same exhibits in Mr. Malackowski's January 8 report. ECF No. 2076 at 3:12-13. This request is supported by the declaration that Oracle filed with its motion to seal this information. *See* ECF No. 1577 at 4 (Declaration of Andrew Temkin) ("Exhibits 12 through 12.10 to Dr. Malackowski's February 29, 2016 report are the same as exhibits 12 through 12.10 to Dr. Malackowski's January 8, 2016 report. For the reasons explained above, Oracle requests that the data for 2014 and 2015 reflected in Exhibits 12, 12.1, 12.2, 12.4, 12.6, and 12.9 remain under seal."); *id.* at 2 ("Disclosure to the public and to Oracle's competitors of this information could harm Oracle by giving competitors insight into competitive information that would otherwise remain confidential."); *id.* at 2-4 (similar for all the exhibits).

For the reasons explained in Mr. Temkin's declaration and for the reasons credited by this Court when it sealed this data, Oracle respectfully requests that this Court seal the data for 2014 and 2015 reflected in Exhibits 12, 12.1, 12.2, 12.4, 12.6, and 12.9 of Mr. Malackowski's Corrected February 28, 2016 Expert Report (ECF No. 1560-13).

2) Dr. Leonard's Corrected March 10, 2016 Expert Report

Sealing Motion	Supporting Declaration	Sealed Document	Information Sought To Be Sealed
1563	1563-2	1563-7	The 2015 figure on page 136 ¶ 272, and the 2014-2015 data in Exhibits 4a, 4b, 4c, 4d, and 4e.

Oracle seeks to seal the 2015 figure on page 136 ¶ 272, and the 2014-2015 data in Exhibits 4a, 4b, 4c, 4d, and 4e to Dr. Leonard's Corrected March 10, 2016 Expert Report (ECF No. 1563-7). These redactions were supported by the Declaration of Deborah K. Miller, filed in support of the motion to seal. *See* ECF No. 1563-2. That declaration was not listed in the Court's order as a supporting declaration for the relevant motion, *see* ECF No. 2076 at 4:7-8, but was timely filed in support of the request to seal this information. Oracle has narrowed the redactions it originally requested and believes that its current request is consistent with what this Court has permitted to be sealed for other documents: 2014-2015 confidential financial information. For the reasons stated above and in Ms. Miller's declaration—including that disclosure of this confidential information could have an adverse impact on Oracle's ability to negotiate licenses for Java products—Oracle respectfully requests that this Court seal the 2015 figure on page 136 ¶ 272 and the 2014-2015 data in Exhibits 4a, 4b, 4c, 4d, and 4e to Dr. Leonard's Corrected March 10, 2016 Expert Report (ECF No. 1563-7).

Dated: April 13, 2017

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

By: /s/ Andrew D. Silverman
Andrew D. Silverman

Counsel for ORACLE AMERICA, INC.